

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 JANE DOE A,

12 v.
13 Plaintiff,

14 SEATAC HOTELS LLC, et al.,

15 Defendants.

16 CASE NO. C24-1270 MJP

17 ORDER ON PLAINTIFF'S
18 MOTION FOR PROTECTIVE
19 ORDER

20 This matter comes before the Court on Plaintiff's Motion for Protective Order. (Dkt. No.
21 112.) Having reviewed the Motion, Defendants' Response (Dkt. No. 113), the Reply (Dkt. No.
22 115), and all supporting materials, the Court GRANTS in part the Motion, and ENTERS a
23 Protective Order, separately from this Order. The Court finds this matter suitable for decision
24 without oral argument.

BACKGROUND

Starting in 2012, Jane Doe A was forced into commercial sex trafficking at two SeaTac hotels: Motel 6 and Quality Inn. (Amended Complaint ¶ 30 (Dkt. No. 74.) For approximately four years, Doe A’s traffickers would rotate her between these hotels, where she was forced to work for “days at a time, encountering the same staff” and taking well over five “dates” per day. (AC ¶ 31, 40.) Doe A has filed suit against the owners/franchisees of both hotels, and the franchisors, alleging that they participated and benefitted from the forced sex trafficking of Doe A in violation of the Trafficking Victims Protection Reauthorization Act (TVPRA).

Doe A now seeks entry of a protective order concerning the exchange of confidential information, including her identity. Although the Parties were able to reach agreement on many aspects of a stipulated protective order, they dispute several provisions, which the Court reviews. First, the Parties dispute how and whether Defendants must obtain Court approval before sharing Doe A's identity with her traffickers. Second, they dispute whether Doe A may disclose certain discovery to "coordinating" counsel in other TVPRA cases pending against the same Defendants. Third, the Parties dispute whether the protective order should include a provision for "highly confidential" information. Fourth, the Parties dispute whether confidential discovery materials can be retained after the litigation terminates. Fifth, the Parties dispute the scope of who must sign an acknowledgement to be bound by the Protective Order before accessing or being shown confidential information.

ANALYSIS

A. Protective Order Standard

Under Rule 26(c)(1), “[t]he court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense[.]” Fed. R. Civ.

1 P. 26(c)(1). “A party asserting good cause bears the burden, for each particular document it seeks
 2 to protect, of showing that specific prejudice or harm will result if no protective order is
 3 granted.” Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1130 (9th Cir. 2003). “Broad
 4 allegations of harm, unsubstantiated by specific examples or articulated reasoning, do not satisfy
 5 the Rule 26(c) test.” Beckman Indus., Inc. v. Int’l Ins. Co., 966 F.3d 470, 476 (9th Cir. 1992)
 6 (quotation and citation omitted).

7 **B. Court Approval to Contact Trafficker is Reasonable**

8 The Court agrees in principle with Doe A that Defendants must obtain prior-Court
 9 approval before sharing her identity with her traffickers. But, as reflected in the Protective Order,
 10 the Court adopts a different protocol than what Doe A proposes.

11 First, Doe A has identified a reasonable fear for her safety if her identity is given to her
 12 traffickers. As alleged, Doe A is the victim of sex trafficking, who endured four years of coerced
 13 commercial sexual acts at the hands of her traffickers in the SeaTac area. (See Am. Compl. ¶¶
 14 30-31, 34-42.) Doe A’s traffickers used threats of force against her and her family, and Doe A
 15 now argues that she continues to fear for her safety from her traffickers. Although Doe A has not
 16 filed a declaration, her counsel avers that “Plaintiff lives in a constant state of fear that her
 17 traffickers or their associated will harm her and her family.” (Declaration of Meagan
 18 Verschueren ¶ 8 (Dkt. No. 112-1).) Based on the review of the briefing, it does not appear that
 19 Defendants dispute Doe A’s general fear of harm from her traffickers. As Doe A’s counsel avers,
 20 the Parties “agree Defendants must provide notice to Plaintiff before contacting her traffickers
 21 and/or their associates[.]” (Id. ¶ 9.) Indeed, Defendants agree that Plaintiff should be permitted to
 22 use a pseudonym in pre-trial filings. (See Defs. Resp. at 1.) Based on the record before the Court,

1 it finds that Doe A has a fear of harm from her traffickers if her identity is released to them. This
2 fear justifies some form of protective order.

3 The Court finds that a blend of the proposals submitted by the Parties adequately protects
4 Doe A from harm. The Court reviews the competing proposals and then explains its reasoning.

5 Doe A proposes that Defendant must provide the Court with an ex parte notice and obtain
6 the Court's approval before contacting revealing her identity to her traffickers. (See Plaintiff's
7 Proposed Protective Order § IV(E) (Dkt. No. 112-1 at 68).) Under Doe A's rubric, Defendants
8 must provide Doe A and the Court with an ex parte application and notice that describes the
9 information sought, why the information is sought from the traffickers and not someone else, any
10 alternative means to get that information, and the necessity of disclosing the name and identity to
11 the traffickers. (Id.) The Court is then to weigh the request to see if it is relevant and
12 "proportional to the needs of the case and the risks involved." (Id.) If the Court approves the
13 request, Defendants then have to give Plaintiff 14-days' notice of where the contact will occur
14 and all the information that will be disclosed regarding Plaintiff. (Id. § IV(E)(1).) Doe A suggests
15 that this methodology adopted in a similar case in this District: Doe v. Salesforce.com Inc., C24-
16 435 TL (W.D. Wash.). This is largely accurate, though the Protective Order in Salesforce does
17 not require evidence as to alternative means or any statement that the Court would weigh the
18 "risks involved" in determining whether to allow the disclosure. See id., Dkt. No. 94.

19 Defendants' counter-proposal puts the burden on Doe A to move for a new protective
20 order after Defendants identify their desire to contact the traffickers and share Doe A's identity
21 with them. (Defendants' Proposed Protective Order § 3(G) (Dkt. No. 114 at 16).) Under
22 Defendants' proposal, they would merely give notice of the contact at least 20 days before it
23 occurs, and Doe A would then need to move for a protective order after meeting and conferring.

1 |(Id.) The proposal does not contain any provision on how the Court would assess such a motion
2 for protective order.

3 The Court finds that, with small alterations, Doe A's proposed methodology is more
4 appropriate given the existing evidence of harm that could arise with the disclosure of her
5 identity to her traffickers and the relative burdens. Requiring Defendants to obtain approval
6 before disclosing Plaintiff's identity to her traffickers reasonably allows the Court to determine
7 whether the risk of harm to Doe A from the specific disclosure is proportional to the needs of the
8 case. That said, the Court believes it is appropriate to require Doe A to file a response to
9 Defendants' request for approval before the Court rules. This also allows Doe A to outline any
10 specific concerns with the proposed disclosure and build an evidentiary record as to why the
11 disclosure might be improper. It also gives the Court an opportunity to interrogate the issue with
12 input from both Parties. As detailed in the Protective Order, Defendants must file a sealed
13 request with the Court to disclose Doe A's identity to her traffickers and Doe A, who shall get
14 notice, must then file a sealed response to identify specific concerns and provide supporting
15 evidence. No reply shall be filed. This process will enable the Court to resolve any disputes more
16 efficiently than if Doe A were required to file a separate motion for protective order.

17 The Court finds no merit in Defendants' arguments that a prior-approval process violates
18 their due process rights or work product protections. (Resp. at 3.) Defendants' due process rights
19 are not infringed where they may still access the materials they seek, provided they comply with
20 a simple procedural step and obtain approval to share Doe A's identity to her traffickers. This
21 process is narrowly tailored to prevent harms from the disclosure of Doe A's identity already
22 evident in the record, while still allowing Defendants to advocate for the use of her identity when
23 contacting her traffickers. The process does not necessarily foreclose discovery, and is simply a
24

1 reasonable form of protective order as countenanced by the Federal Rules. Defendants also argue
2 that Doe A's proposal requiring them to disclose the information they seek from her traffickers
3 would require disclosure of work product. The Court disagrees. The amount of detail required to
4 obtain Court approval is the very same that would be required by Defendants to disclose if Doe
5 A was required to move anew for a protective order—as Defendants propose. Defendants must
6 disclose the nature of the information sought and why it is reasonably necessary to disclose
7 Plaintiff's identity to these witnesses. Even if this requires disclosing some modicum of work
8 product, it is both minimal and reasonable under the circumstances and in light of the risk of
9 harm already evident in the record.

10 With these considerations in mind, the Court has provided a detailed methodology with
11 regard to the request to disclose Doe A's identity to her traffickers, which is set forth in the
12 separately-docketed Protective Order.

13 **C. Disclosure to Coordinating Counsel Not Reasonable**

14 Doe A asks the Court to permit her to share confidential information with counsel of
15 cases pending against Defendants involving similar sex trafficking claims. The Court finds this
16 request procedurally improper and something that can be handled on an as-needed basis should a
17 party from a related case ask permission from the Court to access specific materials produced in
18 this case.

19 Doe A's Proposed Protective Order includes provision that would allow her counsel to
20 share confidential material with "coordinating counsel" "to whom disclosure is reasonably
21 necessary for this litigation and who have signed" the acknowledgement of the Protective Order.
22 (Pl. P.O § III(5).) The term "coordinating counsel" refers to other attorneys litigating similar sex
23 trafficking claims against the same defendants with whom "counsel reasonably believes [it] is

1 necessary to consult with to meet the applicable standards under the ABA Model Rules of
2 Professional Conduct . . . in representing the Parties to the best of their abilities.” (Pl. P.O. §§
3 I(10).) Doe A would only have to deem the material “necessary” to allow the sharing.

4 The Court remains unconvinced by Doe A’s claim that her counsel should have the
5 ability to give other counsel with access to protected material in this case without specific court
6 approval. The case Doe A cites for support, Foltz, remains inapposite and inadequate support for
7 her proposal. 331 F.3d at 1130. Foltz involved a situation where the district court refused to
8 modify an existing protective order to allow an intervenor to access materials subject to the
9 Court’s protective order for use in collateral litigation. Id., 331 F.3d at 1130. The Ninth Circuit
10 explained that while access to materials for collateral litigation is generally favored, “a court
11 should not grant a collateral litigant’s request for such modification automatically.” Id. at 1132.
12 Here, Doe A’s proposal would remove the Court’s ability to review a collateral litigant’s request
13 for access to information produced in this litigation, and would empower Doe A’s counsel to act
14 without court supervision in sharing discovery materials. The Court finds no legal support for
15 this procedure in Foltz, and it would afford far too much discretion to counsel to make judgment
16 calls about what should or should not be shared. The Court therefore rejects Die A’s proposal.
17 The Court notes that this ruling does not preclude counsel in related matters from applying for
18 access to specific materials, should the need arise.

19 **D. Highly Confidential Category Not Necessary**

20 Defendants request the Court include a “highly confidential” category of information
21 covering trade secrets that are subject to slightly tighter restrictions that would not allow showing
22 such information to any deponents. While Doe A appears amenable to a “highly confidential”

1 provision, she objects to the way in which Defendants have defined it and without the restriction
 2 to showing such materials to deponents.

3 The Court rejects the use of a “highly confidential” category designation, as it does not
 4 appear necessary. Defendants’ proposed definition of “highly confidential” refers to “trade
 5 secret, proprietary information, confidential research, development, commercial, or
 6 competitively sensitive information that have been maintained as non-public or confidential.”
 7 (Def. Prop. P.O. § II(7).) This category is duplicative of Rule 26(c)(1)(G)’s general recognition
 8 that these kinds of materials can be protected. And it is duplicative of Doe A’s proposed
 9 definition of “confidential” materials. More importantly, Defendants have not adequately
 10 explained why they expect to share information that needs any greater protection from disclosure
 11 than is afforded to any other confidential information. Nor have they explained why witnesses
 12 should be precluded from seeing such materials during depositions—a proposal that would
 13 unduly restrict Doe A’s ability to conduct discovery. On the record presented, the Court rejects
 14 Defendants’ request to include a separate “highly confidential” category and restriction. The
 15 provisions in the appended Protective Order are adequate to confer the protection needed on the
 16 record presented. Should Defendants identify specific documents that somehow need greater
 17 protections, they are free to seek a separate protective order from the Court.

18 **E. Doe A’s Proposed Retention of Records After Case Terminates Is Not Reasonable**

19 Doe A asks the Court to allow her and her counsel to keep discovery materials after the
 20 end of the litigation. The Court finds no basis to allow this extended retention of materials
 21 beyond what is countenanced by the Court’s Model Protective Order, and Doe A fails to explain
 22 why doing so is appropriate, necessary, or proportional. The Court therefore DENIES the request
 23 and uses the Model Protective Order’s provision in this issue in its separate Protective Order.

F. Other Proposed Provisions Requiring Adjustment

The Court addresses three small remaining disputes the Parties raise through the briefing.

First, the Parties dispute whether all witnesses who obtain Doe A's identity must first

sign an acknowledgement to be bound by the protective order. (Pl. Prop. P.O. § IV(C)(5).)

Defendants complain that this will unfairly deter witnesses from speaking with them. While the

Court appreciates Defendants' concern, the risk of deterrence does not outweigh Doe A's

concerns about her safety from broad disclosure. Requiring the witness to sign an

acknowledgment is a reasonable means to protect Doe A from the harm at issue. The Court will

therefore adopt Doe A's proposed language.

Second, Defendants incorrectly argue that Plaintiff is refusing to provide her birthday,

social security number, address, and trafficker names. She is willing to provide that information,

and the Court's Protective Order so requires. (See Reply at 7.)

Lastly, the Parties squabble over Doe A's inclusion of a specific provision protecting the

identities of “Other Trafficking Survivors.” Defendants contend that this information is already

subject to the general protection for confidential information and that Doe A's proposal is

redundant. While there may be some redundancy, the Court sees no harm in including Plaintiff's

proposed definition, which is limited and targeted to other victims trafficked at the same hotels.

This definition imposes no extra burden on the Parties or Court, and it is included in the

Protective Order.

CONCLUSION

The Court GRANTS, in part, Doe A's Motion and approves, in part, her proposed

protective order. The Court largely adopts Doe A's proposed process to contact her traffickers,

while rejecting Doe A's proposal to share information with coordinating counsel and to keep

1 discovery materials after the end of litigation. The Court also rejects Defendants' proposal to
2 include a "highly confidential" provision, as doing so is unnecessary on the record presented and
3 unduly restrictive on Doe A's ability to conduct discovery. Lastly, the Court will include Doe A's
4 proposed requirement that witnesses who are given information about her identity must sign the
5 Acknowledgment.

6 The Court separately enters a Protective Order consistent with this Order.

7 The clerk is ordered to provide copies of this order to all counsel.

8 Dated July 22, 2025.

9 

10 Marsha J. Pechman
United States Senior District Judge

11
12
13
14
15
16
17
18
19
20
21
22
23
24